
**Specific WV WORKS, AFDC and
AFDC – Related Medicaid Requirements**

The client also has the right to a Fair Hearing when the reconsideration results in denial of an extension. The Hearings Officer may rule that the extension was denied in error and instruct the local office to extend benefits or reopen the case for the appropriate extension period.

15.7 REQUIREMENT FOR BEING ENGAGED IN WORK (WV WORKS)

A. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT

WV WORKS is a work participation program. An individual who applied and is approved for WV WORKS benefits must have good cause for not participating in a work activity or be engaged in an activity no later than the end of the 2nd month of benefit receipt or is ineligible. See Sections 13.5 and 13.10 for temporary exemptions and good cause. If the recipient is determined to have good cause, the situation must be reviewed and documented monthly.

Starting on the first day that WV WORKS benefits are received, a Work-Eligible Individual is subject to the work requirement. Therefore, the individual must be placed in a work activity as soon as possible. This placement should occur when the benefit is approved, concurrently with the initial assessment of the recipient's skill, prior work experience, and determination of employability. If the individual initially has a documented good cause for not participating, he is temporarily excused from participating. The Worker approves the benefit, enrolls the individual in the appropriate component, and makes any referrals needed to overcome the exemption or good cause reason. Any temporary exemption must be reviewed at least monthly to determine if the situation continues. If the Worker determines that the person is ready to participate at application, the Worker approves the benefit, enrolls the participant, requests any necessary support payments, and makes any necessary referrals. The participant must then begin his work activity as scheduled and complete all assigned hours for 5 consecutive assigned work days to meet his participation eligibility requirement. If he fails to participate as specified on his PRC, the WV WORKS benefit is closed **after good cause for failure to participate has not been established**. If the Work-Eligible Individual reapplies, he must meet his assigned work hours for 5 consecutive assigned work days before the benefit for the subsequent month is approved. **Benefits are prorated from the date of application**. To ensure he is meeting his requirements, the Worker must follow up with the placement on a daily basis during the initial 5-day eligibility period, beginning on the first day assigned.

The activities in which the individual must participate are outlined in Sections 24.6 through 24.13.

NOTE: Before closure for failure to meet the 5 day work requirement, the Worker must schedule an appointment to establish good cause. Refer to IMM 6.3E for notification requirements.

EXAMPLE: An individual applies for WV WORKS benefits for himself and his 2 children on August 2nd. He completes the application, orientation and initial PRC on August 6th and the case is confirmed on August 6th. The Worker determines that the individual needs to arrange child care; he states that his mother will provide child care for his children while he completes his activity.

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He is given 2 working days to arrange for child care and he is assigned to begin a CWEP activity on August 8th. On the 1st day of his scheduled placement, his Worker contacts the CWEP sponsor and finds that he did not report for his placement.

The Worker schedules a good cause interview for August 19th. The Worker continues to follow up with the sponsor and determines that the participant failed to report. The client comes in for his good cause interview and states his son had a cold and he chose to stay home with him. Since the grandmother was available to provide care and he failed to contact the sponsor or his Worker regarding his absence, and there is no verification of the illness, he is determined not to have good cause. The advance notice requirements apply and his WV WORKS benefit is closed.

EXAMPLE: A Work-Eligible Individual applies for WV WORKS on January 3rd. The PRC, orientation, and application are completed on January 10th. The benefits are confirmed and backdated to January 3rd. The client shows up for his placement on January 14th and 15th and then fails to report again. A good cause appointment is scheduled for January 26th. The client fails to keep the good cause appointment and the WV WORKS benefit is closed. Since it is after adverse action deadline, February benefits are issued. The client receives a closure notice and comes in to reapply on Feb 5th. The Worker explains that he must attend his activity and complete all his scheduled hours for at least 5 full work days before his WV WORKS benefits may be reopened. He goes to the placement as scheduled beginning February 7th. If he does not continue to go to the placement each day for the full 5-day period, his application is denied. Because the client has already received February benefits, the Worker has time to check on his progress and ensure the client is attending the activity before March benefits are approved. If he fails to participate and complete his assigned hours, the benefits are not approved for March.

NOTE: The 5-hour requirement that applies to 24-month cases does not apply to applicants who have received less than 24 months of WV WORKS benefits. See Section D. If an individual demonstrates good cause for not meeting his work requirement, the situation must be re-evaluated monthly. If he does not continue to have good cause for not meeting his participation hours, he must be assigned to an activity and meet his required participation hours or the sanction process begins.

EXAMPLE: A 19 year-old single-parent with one child applies for WV WORKS benefits on September 26th. She completes her application, orientation, and PRC on October 3rd and opts not to receive benefits for September. She completes the assessment process and she has not graduated from high school. The only transportation available is a neighbor who has agreed to transport her to the library once a week so she can work on her GED. She can attend the GED class once a week for 6 hours. She is scheduled to this activity for 6 hours a week. Although this activity does not meet the federal requirements for her work

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participation hours, she is assigned to this activity because she has good cause for not meeting her required hours. She must attend this activity by

November 1st or is ineligible for WV WORKS. Her transportation issues must be reviewed monthly until the situation is resolved and she can meet her full participation requirement.

Good cause for not being engaged in a work activity is determined according to the criteria in Section 13.10.

Because the Worker discusses the impact of being in a work activity on the client's eligibility during Orientation, the development of the PRC, and during the initial home visit, a home visit is not required before AG closure due to non-participation.

B. WORK PARTICIPATION AS AN ELIGIBILITY REQUIREMENT AT 24 MONTHS OF BENEFIT RECEIPT

All work-eligible parents or caretakers whose households are receiving WV WORKS cash assistance are required to participate in a work activity when the individual is ready to engage in work, or when the individual has received program benefits for 24 months, whichever is earlier. When a participant has received 24 months of WV WORKS benefits, being engaged in work is an eligibility requirement. The months of WV WORKS benefits do not have to have been received consecutively.

NOTE: For parents or other caretakers who were active cash assistance recipients in January 1997, this is the first month counted in determining the 24-month limit for being engaged in a work activity. Recipients of TANF cash assistance in other states may have begun the 24-month period on an earlier date and may lose eligibility beginning in 10/98 with the implementation of West Virginia's definition of work for meeting the 24-month work requirement. See Chapter 1, Appendix D to determine the date TANF cash assistance began in states other than West Virginia.

NOTE: Although the 60-month lifetime limit normally does not apply to a non-recipient Work-Eligible parent, if another parent is included in the AG, the time limit applies to the adult AG members. The 24-month work requirement may be met by one or both parents, this includes any non-recipient parent in the household.

Work, for the purpose of meeting the 24-month limit, is defined as participation in one or more activities for a minimum of 5 hours per week (averaged).